

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

INFOINT S.A.,

Plaintiff,

06 CIVIL 2869 (LAK)

-against-

JUDGMENT

H. LUNDBECK A/S, LUNDBECK, INC.,
FOREST LABORATORIES, INC. AND
FOREST PHARMACEUTICALS, INC.,
Defendants.

09, 2009

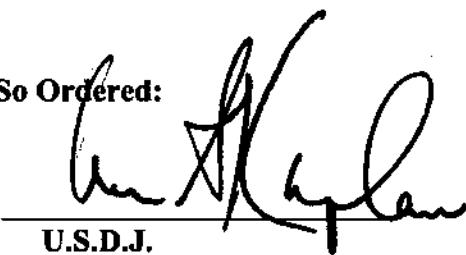
X

A Jury Trial before the Honorable Lewis A. Kaplan, United States District Judge, having begun on September 29, 2009, and the jury having rendered a special verdict at the conclusion of the trial, it is,

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment in the sum of \$15,000,000.00 as against the defendants, jointly and severally.

DATED: New York, New York
October 21, 2009

So Ordered:

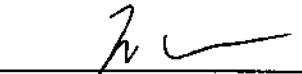


U.S.D.J.

J. MICHAEL McMAHON

Clerk of Court

BY:



Deputy Clerk

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____

Informant S.A.

b.

H. Landbeck A/S,

Forest Laboratories &

Forest Pharmaceuticals

Obcv 2869(4m)

Case Number

JUDGE Kaplan

(FULL TITLE OF CASE - IF NECESSARY USE OTHER SIDE)

APPEARANCES: (include firm name and telephone #) 212-908-6317

FOR PLAINTIFF: James Galbraith, Mario Luis Palmeiro, and Walter E. Hanley, Jr., Kenyon & Kenyon, One Broadway, New York, NY 10004-1007

FOR DEFENDANT: Peter J. Amencio, Gerald J. Flatmann, Jr., Ellen Scordino, and Jeanne M. Heffernan, Kirkland & Ellis, 601 Lexington Ave, New York

TRIAL (JURY) ~~-----~~ BEGUN: N.Y. 10022 212-446-4960

9/29/09 Jury selected & sworn, trial began; 9/30/09 trial continued.
^(Date)
10/1/09 trial continued and adjourned to 10/5/09. 10/5/09 trial continued; 10/6/09 trial continued; plaintiff rested, Defendants Rule 50 motion was ^{denied in part} denied in part. Defendants' case began; 10/7/09 trial continued; 10/8/09 trial continued and adjourned to 10/14/09;
Defendant rested and renewed their Rule 50 motion to which the Court deferred to its earlier decision on 10/6/09 and reserved or to patent invalidity, Plaintiff rebutted case made & concluded; 10/15/09 jury charged, deliberations began & concluded and a special verdict returned. (see attached)

(AN EXTRACT OF THE MINUTES)

FPI-SST-41673-EN-0031

CLERK Andrew Mohan

COURT REPORTER Rebecca Loman & Carol Gandy

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INFOSINT S.A.,

Plaintiff,

-against-

06 Civ. 2869 (LAK)

H. LUNDBECK A/S, LUNDBECK, INC.,
FOREST LABORATORIES, INC. AND
FOREST PHARMACEUTICALS, INC.,

Defendants.

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VERDICT FORM

1. Direct Infringement

Has plaintiff proved, by a preponderance of the evidence, that Forest infringed Claim 24 of the '973 Patent with respect to the processes listed below?

(Answer "Yes" or "No" to each process listed below.)

LUMSAS

➤ Carboxyphthalid ra vad udg. 6 and LULUM udg. 1 Yes No _____

LUPUK

➤ Carboxyphthalide v. 12	Yes <input checked="" type="checkbox"/>	No _____
➤ Carboxyphthalide v. 13	Yes <input checked="" type="checkbox"/>	No _____
➤ Crude LUPUK P5 v. 1	Yes _____	No <input checked="" type="checkbox"/>

LUPI

➤ PL 1 AU Carbossifthalide Acido Umido Yes _____ No

RA Chem

➤ 5-carboxyphthalide process Yes _____ No

SF Chem

➤ COPWF, COPWF roh Darstellung Yes No _____

Siegfried CMS

➤ 5-carboxyphthalid roh feucht Yes _____ No

Ramdev

➤ 5-carboxyphthalide process Yes No _____

CF Pharma

➤ Ftalidsav nyers Yes _____ No

Blue Circle

➤ 5-carboxyphthalide process (2008) Yes _____ No

(If your answer is "Yes" to any of the processes listed above, proceed to Question 2. If your answer is "No" to all processes, proceed to Question 3.)

2. Inducing Infringement

Has plaintiff proved, by a preponderance of the evidence, that Lundbeck induced Forest to infringe Claim 24 of the '973 patent?

(Answer "Yes" or "No" *only* with respect to any process or processes that you found to infringe in response to Question 1.)

LUMSAS

> Carboxyphthalid ra vad udg. 6 and LULUM udg. 1 Yes No _____

LUPUK

> Carboxyphthalide v. 12	Yes <input checked="" type="checkbox"/>	No _____
> Carboxyphthalide v. 13	Yes <input checked="" type="checkbox"/>	No _____
> Crude LUPUK P5 v. 1	Yes _____	No <input checked="" type="checkbox"/>

LUPI

> PL 1 AU Carbossifthalide Acido Umido	Yes _____	No <input checked="" type="checkbox"/>
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RA Chem

> 5-carboxyphthalide process	Yes _____	No <input checked="" type="checkbox"/>
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SF Chem

> COPWF, COPWF roh Darstellung	Yes <input checked="" type="checkbox"/>	No _____
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Siegfried CMS

> 5-carboxyphthalid roh feucht	Yes _____	No <input checked="" type="checkbox"/>
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Ramdev

> 5-caroxypthalide process	Yes <input checked="" type="checkbox"/>	No _____
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CF Pharma

> Ftalidsav nyers	Yes _____	No <input checked="" type="checkbox"/>
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Blue Circle

> 5-carboxyphthalide process (2008)	Yes _____	No <input checked="" type="checkbox"/>
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(Proceed to Question 3.)

3. Invalidity - Novelty

Have defendants proved, by clear and convincing evidence, that Claim 24 of the '973 Patent was anticipated by Forney 1970?

Yes _____

No

(Proceed to Question 4.)

4. Invalidity - Obviousness

Have defendants proved, by clear and convincing evidence, that Claim 24 is invalid because it would have been obvious to one of ordinary skill in the art on January 18, 2000?

Yes _____

No

(If your answer to Question 1 is "Yes" to any of the processes, proceed to Question 5. If your answer to Question 1 is "No" to all processes, sign your names below and tell the officer you have reached a verdict.)

5. Damages

Has plaintiff proved, by a preponderance of the evidence, a reasonable royalty and the amount of that reasonable royalty?

Yes

No _____

If you answered "Yes" to Question 5, write in the amount of that reasonable royalty.

\$ 15,000,000
 (Fifteen Million)

Please sign your names in the spaces provided, fill in the date, and inform the officer that you have reached a verdict.

Sletrosino

Alan P. Felice

J. Ann

Jacqueline Finner

Petruj Paria

Judy R. Strauss

Damonte Vazquez

John Eddo

Liz A. Clark

Sophia f. Grocholsky

Date: October 15, 2009